

**Notice of Allowability****Application No.**

09/916,444

**Examiner**

Jorge L Ortiz-Criado

**Applicant(s)**

YONEZAWA ET AL.

**Art Unit**

2655

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/06/2004.
2. ☒ The allowed claim(s) is/are 1 and 7, renumbered as 1-2 respectively.
3. ☒ The drawings filed on 30 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. The application has been amended as follows:
  - a. In the claims:
    - i. Clams 2-6 have been cancelled.
  - b. In the Abstract of the Specification:
    - ii. The Abstract has been replaced by:

-- An optical disk apparatus has a first optical system having an objective lens with a first NA, a second optical system having an objective lens with a second NA lower than the first NA. The optical disk apparatus at the time of processing the optical disk, when the optical system suitable recording/reproduction process of the optical disk is the second optical system, via the first optical system detecting a surface run-out of the optical disk and execute the focus lead-in process of the second optical system on the basis of a surface run-out detected; and when at the time of processing the optical disk, when the optical system suitable recording/reproduction process of the optical disk is the first optical system, processing the optical disk with the first optical system without detecting the surface run-out of the optical disk.--

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***Election/Restrictions***

2. This application is in condition for allowance except for the presence of claims 2-6 to a Species non-elected without traverse. Accordingly, claims 2-6 have been cancelled.

***Allowable Subject Matter***

3. Claims 1 and 7 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art teaches an optical disk process means for executing a focus lead-in process by irradiating a rotating predetermined optical disk with a light beam applied via a first objective lens of a first optical system, said first objective lens having a first numerical aperture lower than a second numerical aperture of a second objective lens of a second optical system; discriminating an optical system suitable for a recording/reproduction process of the optical disk; processing the optical disk, when the optical system suitable for the recording/reproduction process of the optical disk is the first optical system, by irradiating the optical disk with the light beam via the first objective lens of the first optical system; processing the optical disk, when the optical system suitable for the recording/reproduction process of the optical disk is the second optical system, by irradiating the optical disk with the light beam via the second objective lens of the second optical system.

Applicant's claimed invention is deemed allowable over the prior art of record as the prior art fails to teach or suggest either alone or in combination when at the time of processing

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the optical disk, when the optical system suitable recording/reproduction process of the optical disk is the **second optical system**, irradiating the optical disk with the light beam via **the first objective lens of the first optical system and detecting surface run-out of the optical disk** to execute the focus lead-in process by irradiating the optical disk with the light beam via the second optical system on the basis of a surface run-out detected; and **specifically** when at the time of processing the optical disk, when the optical system suitable recording/reproduction process of the optical disk is the **first optical system**, processing the optical disk with the first optical system **without detecting the surface run-out of the optical disk**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

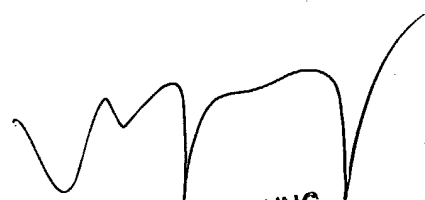
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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W. R. YOUNG  
PRIMARY EXAMINER